

BPS-76

December 16, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-2001

TONY COSTER,
Appellant

v.

HARRELL WATTS, Administrator
National Inmate Appeals; ET AL.
(WD/PA Civil No. 03-cv-00025)

Present: RENDELL, AMBRO and GREENBERG, Circuit Judges.

Submitted are:

- (1) Appellant's motion to reopen; and
- (2) By the Clerk, the within appeal for possible dismissal under 28 U.S.C. § 1915(e)(2)(B); in the above-captioned case.

Respectfully,

Clerk

MMW/JLR/je/clw

O R D E R

Appellant's motion to reopen his appeal is granted. Having determined that a dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B) is not appropriate, we direct the Clerk to issue a briefing schedule.

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge

Dated: December 28, 2005
tyw/clw/cc: Mr. Tony Coster
Laura S. Irwin, Esq.



Marcia M. Waldron
Marcia M. Waldron, Clerk